

No: Lying undermines the practice of medicine



It is not surprising that conscientious physicians are tempted to lie to secure needed care for their patients or that they feel morally justified in doing so. Physicians' obligation to provide care for their patients is profound and should be taken seriously.

Graber's essay is not about securing needed care but about defrauding third-party payers. When I was asked to provide the counterpoint to his essay, I asked Graber for examples of times when a physician might need to lie to get a patient admitted to hospital. He responded, "Hospitals will not refuse to admit patients," but third-party payers will refuse to pay for hospital admissions under certain circumstances. Physicians have a duty to secure needed care for their patients, but they are not responsible for paying their patients' debts.

Physicians are wrong if they believe that it is ethically justified to lie to get a patient admitted to the hospital. To say that a course of action is ethical is to assert that all similar persons would be justified in following that course of action in similar circumstances.¹⁻³ The familiar question can be posed: "What would happen if everyone acted that way?"

If only a few physicians were to adopt Graber's policy, the effects would be much as he describes in his essay: substantial positive results for a few patients and minor

negative results distributed over a large population. But what if all physicians were to adopt it? Habitual physician lying would begin to undermine patients' trust. Lying to get patients admitted to the hospital would quickly lead to lying under other, less well-justified, circumstances. And an easy recourse to lying would keep physicians from devising more creative solutions to morally complex problems.

It would not be long before third-party payers realized that physicians were liars, giving corporate health maintenance organizations and insurance companies the excuse to impose even more oversight on physician decision making, increasing second-guessing, and further eroding physicians' diagnostic autonomy. The net result would be a substantial decrease in the quality of patient care due to the diversion of resources from care to oversight.

Because the result of all physicians' lying would undermine the justification for lying (improving patient care), physicians cannot endorse lying as ethical.

For Graber, the heart of the argument is not about lying but about justice: "Justice demands that physicians sometimes lie to get required care for their vulnerable patients." Physicians' fiduciary duty to their patients might demand this, but *justice* demands similar treatments for similar patients. Getting better treatment merely because you have a physician who is willing to lie for you *creates* injustice, as surely as having more money than other patients to pay for better medical care.

As Graber points out, unjust laws must be fought. But he neglects to mention that many of the Quakers who participated in the Underground Railroad did so without lying, even at the risk of bodily harm. He also fails to mention that legal segregation in the United States was not toppled by secrecy and lying, but by open opposition and civil disobedience, which requires the lawbreaker to do so openly and to accept the legal (if unjust) consequences.

Civil disobedience, being open rather than furtive, requires more courage than lying. Graber's openness about his stance on this issue is courageous and can be thought of as civil disobedience writ small. Nevertheless, endorsing lying is counterproductive and is not a step toward rectifying current injustices.

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Kant questioned whether lying was ever justified

References

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- 2 Bok S, ed. *Lying: Moral Choice in Public and Private Life*. New York: Vintage Books; 1978.
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